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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,056	11/02/2001	Richard M. Miller-Smith	GB 008154	4898

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EXAMINER	
KOVALICK, VINCENT E	
ART UNIT	**PAPER NUMBER**
2673	6

DATE MAILED: 09/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/003,056	MILLER-SMITH, RICHARD M.	
	Examiner	Art Unit	
	Vincent E Kovalick	2673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 November 2001* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. This Office Action is in response to Applicant's Patent Application, Serial No. 10/003,056, with a File Date of November 2, 2001.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 3 and 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng (USP 5,986,638 taken with Sommers et al. (USP 5,940,076).

Relative to claims 1, Cheng **teaches** an apparatus and method for synchronously selecting icons in flywheel controlled color computer monitor (col. 12, lines 40-49 and Fig. 2); Cheng further **teaches** an image control system for controlling a menu on a display (col. 2, lines 3-11, 36-39 and Fig. 2), comprising: a selector to select an item from the menu, and a user input device for inputting an instruction from a user for selecting said menu items from the menu, wherein the user input device comprises a control device (flywheel) to generate a control signal to move the selector, the control device having a loop configuration, wherein movement around the loop configuration of the control device causes a corresponding relative movement between the selector and the loop of the menu (col. 2, lines 48-61).

Cheng **does not teach** said loop being moveable with respect to the selector.

Sommers et al. **teaches** a graphical user interface for an electronic device and method therefor (col. 1, lines 57-67; col. 2, lines 1-12 and Fig. 4); Sommers et al. further **teaches** the loop (wheel) being moveable (col. 3, lines 57-67; col. col. 4, lines 1-4 and Fig. 4), further still, Sommers et al. **teaches** a user input device comprising a control device (Fig. 3, item 302) to generate a control signal to move the loop and the selector relative to each other (col. 4, lines 36-46).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to provide to the device as taught by Cheng the feature as taught by Sommers in order facilitate the loop rotating as well as the selector (cursor) to expand the user frame of reference and provide the means to select between rotating the selector or rotating the menu loop or both simultaneously, which ever expedites the menu selection process.

Regarding claim 3, Cheng further **teaches** said image control system wherein the control device is a rotary control, rotatable through 360 degrees to generate the control signal in dependence on the angular position of the control device about the loop configuration (col.2, lines 47-57).

Relative to claim 5, Sommers et al. further **teaches** said image control system wherein the menu is arranged in a substantially circular form and wherein change in the control signal causes rotation of the circle with respect to a predetermined point of rotation (col. 3, lines 57-67; col. 4 lines 1-4 and Fig. 4).

As to claim 6, Cheng **teaches** the menu arranged in a carousel arrangement (col. 2, lines 36-39 and Fig. 2); and Sommers et al. **teaches** the menu arranged in a carousel arrangement and displayed in three dimensions on the display (as seen in Figs. 4 and 5).

4. Claims 2 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng taken with Sommers et al. as applied to claim 1 in item 3 hereinabove, and further in view of Satloff (USP 5,667,319).

Relative to claims 2 and 7-8, Cheng taken with Sommers et al. **does not teach** said image control system wherein the user input devices comprises at least one force-sensing resistor to receive a force from a user and generate the control signal in dependence on this; or wherein the user input device is a joystick.

Cheng taken with Sommers et al. **teaches** a loop of menu images displayed for selection wherein the menu loop can be rotated via a rotatable input device and wherein the image selector (cursor) can also be rotated around the image loop to designate the menu to be selected.

Satloff **teaches** a simplified computer keyboard (col. 3, lines 9-67 and col. 4, lines 1-67);

Satloff further **teaches** said image control system wherein the user input devices comprises at least one force-sensing resistor to receive a force from a user and generate the control signal in dependence on this; and wherein the user input device is a joystick (col. 7, lines 29-36).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to provide to the device as taught by Cheng taken with Sommers et al. the feature as taught by Satloff in order to simplify the keyboard by providing alternate input and control devices that would be accommodating to children and handicapped user (Satloff , col. 1, lines 12-19).

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng taken with Sommers et al. as applied to claim 1 in item 3 hereinabove, and further in view of Matzke et al. (USP 4,736,191).

Regarding claim 4, Cheng taken with Sommers et al. **does not teach** said image control system wherein the control devices is an annular pressure pad to receive pressure from a user and generate the control signal corresponding to the angular position on the pressure pad at which pressure is applied.

Cheng taken with Sommers et al. **teaches** a loop of menu images displayed for selection wherein the menu loop can be rotated via a rotatable input device and wherein the image selector (cursor) can also be rotated around the image loop to designate the menu to be selected.

Matzke et al. **teaches** a touch activated control method and apparatus (col. 2, lines 12-67; col. 3, lines 1-58 and Fig. 1 item 24); Matzke et al. further **teaches** said image control system wherein the control devices is an annular pressure pad to receive pressure from a user and generate the control signal corresponding to the angular position on the pressure pad at which pressure is applied (col. 3,lines 40-47; col. 4, lines 13-24 and col. 11, lines 49-52).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to provide to the device as taught by Cheng taken with Sommers et al. the feature as taught by Matzke et al. in order to facilitate controlling the motion of a cursor on a display screen by finger touch positioning on a pressure sensitive touch pad, said touch pad being conveniently mounted on a keyboard (Matzke et al., col. 2, lines 12-17).

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng taken with Sommers et al. as applied to claim 1 in item 3 hereinabove, and further in view of Clapper (USP 6,501,516).

As to claim 9, Cheng taken with Sommers et al. **does not teach** said image control system in which the display is a television screen and the user input device is a television remote control.

Cheng taken with Sommers et al. **teaches** a loop of menu images displayed for selection wherein the menu loop can be rotated via a rotatable input device and wherein the image selector (cursor) can also be rotated around the image loop to designate the menu to be selected.

Clapper **teaches** a remotely controlling video display devices (col. 1, lines 7-41); Clapper further **teaches** said image control system in which the display is a television screen and the user input device is a television remote control (col. 2, lines 16-18 and Fig. 1).

It would have bee obvious to a person of ordinary skill in the art at the time of the invention to provide to the device as taught by Cheng taken with Sommers the feature as taught by Clapper in order to provide the convenience of being able to manipulate the selection of menu items etc. displayed on the TV screen from a remote distance (Clapper, col. 1, lines 10-15).

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng taken with Sommers et al. as applied to claim 1 in item 3 hereinabove, and further in view of Kim (USP 5,736,703).

Relative to claim 10, Cheng taken with Sommers et al. **does not teach** a mobile telephone handset having a control system in which the display is the mobile telephone handset display screen and the input device is a rotary control positioned on the front face of the mobile telephone handset.

Cheng taken with Sommers et al. **teaches** a loop of menu images displayed for selection wherein the menu loop can be rotated via a rotatable input device and wherein the image selector (cursor) can also be rotated around the image loop to designate the menu to be selected.

Kim **teaches** a variable speed select key for a mobile communication device enabling step or speed scrolling of device functions to facilitate function selection (col. 1, lines 36-67 and col. 2,

lines 1-53); Kim further **teaches** a mobile telephone handset having a control system in which the display is the mobile telephone handset display screen and the input device is a rotary control positioned on the front face of the mobile telephone handset (col. 1,lines 18-26).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to provide to the device as taught by Cheng taken with Sommers et al. the feature as taught by Kim in order to provide a variable speed function selection means for a mobile phone that enables varying speed selection of device functions with single hand operation.

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng taken with Sommers et al. as applied to claim 1 in item 3 hereinabove, and further in view of Bae (USP 6,405,061).

As to claim 11, Cheng taken with Sommers et al. **does not teach** a mobile telephone handset having a control system in which the display is the mobile telephone handset display screen and the control device is an annular pressure pad to receive pressure from a user and generate the control signal corresponding to the angular position on the pressure pad at which the pressure is applied.

Cheng taken with Sommers et al. **teaches** a loop of menu images displayed for selection wherein the menu loop can be rotated via a rotatable input device and wherein the image selector (cursor) can also be rotated around the image loop to designate the menu to be selected.

Bae **teaches** a mobile telephone handset having a control system in which the display is the mobile telephone handset display screen and the control device is an annular pressure pad to receive pressure from a user and generate the control signal corresponding to the angular position on the pressure pad at which the pressure is applied (col. 2, lines 17-28 and Fig. 1).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to provide to the device as taught by Cheng taken with Sommers et al. the feature as taught by Bea in order to provide finger tip data entry control of a cursor on a display portion of a mobile telephone (Bea, col. 1, lines 11-17).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U. S. Patent No.	6,411,307	Rosin et al.
U. S. Patent No.	6,411,275	Hedberg
U. S. Patent No.	6,208,335	Gordon et al.
U. S. Patent No.	6,058,319	Sadler
U. S. Patent No.	5,627,531	Posso et al.

Responses

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vincent E Kovalick whose telephone number is 703 306-3020. The examiner can normally be reached on Monday-Thursday 7:30- 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on 703 305-4938. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 306-0377.

Vincent E. Kovalick
8/29/03

JOSEPH MANCUSO
PRIMARY EXAMINER